



#10

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of: Michael A. Martinelli  
Reissue Filing Date: January 24, 2000  
Reissue Serial No. 09/494,213  
U.S. Patent No: 5,592,939  
Issue Date: January 14, 1997  
Based upon Appl. No.: 490,342  
Filing Date: June 14, 1995  
Title: METHOD AND SYSTEM FOR NAVIGATING A  
CATHETER PROBE  
Attorney's Docket No: 56300-036 (MRTK-001RECON)

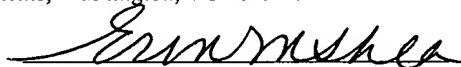
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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the date indicated below.

Date: Sept. 12, 2002

  
Erin Shea

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Box REISSUE  
Assistant Commissioner for Patents  
Washington, DC 20231

**SUPPLEMENTAL REISSUE APPLICATION DECLARATION**

Sir:

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I believe I am an original, first and joint inventor of the subject matter that is described and claimed in letters patent number 5,592,939 (hereinafter referred to as the '939 patent), granted on January 14, 1997, and for which invention I solicit a reissue patent on the invention entitled METHOD AND SYSTEM FOR NAVIGATING A CATHETER PROBE, the specification of which was filed on January 14, 1999.

3. Every error in the '939 patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicants.

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SEND CORRESPONDENCE TO:

Toby H. Kusmer, Esq.  
McDermott, Will and Emery  
28 State Street  
Boston, MA 02109

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DIRECT TELEPHONE CALLS TO:

Toby H. Kusmer, Esq.  
Telephone: (617) 535-4065  
Fax: (617) 535-3800

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4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

July 9, 2002

Michael A. Martinelli

Michael A. Martinelli  
58 Wedgemere Avenue  
Winchester, MA 01890  
Citizenship: U.S.

Date

2 July 2002

Wayne C Haase

Wayne C Haase  
7 Matthew Lane  
Sterling, MA 01564  
Citizenship: U.S.



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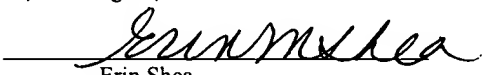
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Box REISSUE  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

ASSIGNEE CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Michael A. Martinelli hereby certifies that he is the assignee of the entire right, title and interest in the above-identified patent by virtue of a chain of title from the inventor of the patent to the current assignee as shown below:

1. From: Michael A. Martinelli (Inventor)  
To: Medtronic, Inc.  
(See Attachment A)
2. From: Medtronic, Inc.  
To: Michael A. Martinelli  
(See Reel 011064, Frame 0975)
3. From: Wayne C. Haase (Inventor)  
To: Michael A. Martinelli  
(See Attachment B)

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The undersigned has reviewed all the documents in the chain of title of the above-identified patent and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: July 9, 2002

By: Michael A. Martinelli  
Michael A. Martinelli

ATTACHMENT A

## ACQUISITION AGREEMENT

This Acquisition Agreement (the "Agreement"), made and entered into this 29<sup>th</sup> day of October, 1996 by and among MEDTRONIC, INC. ("Medtronic"), a Minnesota corporation, WINCHESTER DEVELOPMENT ASSOCIATES ("WDA"), a sole proprietorship, MICHAEL A. MARTINELLI, PH.D. ("Dr. Martinelli"), an individual, and ENTERPRISE MEDICAL TECHNOLOGIES, INC. ("EMT"), a corporation organized under the laws of the Commonwealth of Massachusetts.

### WITNESSETH:

WHEREAS EMT represents that it purchased from Intra-Sonix, Inc. all right, title and interest in certain intellectual property; and

WHEREAS, MEDTRONIC desires to acquire from EMT, and EMT desires to sell and assign to Medtronic, all of EMT's right, title and interest in the "EMT Acquired Intellectual Property" (as defined below) upon the terms and conditions set forth in this Agreement;

WHEREAS, WDA and Dr. Martinelli (individually an "Owner"; collectively the "Owners") represent that they own certain intellectual property; and

WHEREAS, Medtronic desires to acquire from the Owners, and the Owners desire to sell and assign to Medtronic, all of the "Owners Acquired Intellectual Property" (as defined below) upon the terms and conditions set forth in this Agreement;

NOW THEREFORE, in consideration of the representations, warranties, covenants and agreements contained herein, and for other valuable consideration described herein, the receipt and adequacy of which is hereby acknowledged, the parties mutually agree as follows:

### ARTICLE 1 Definitions

1.1. Specific Definitions. As used in this Agreement, the following capitalized terms shall have the meanings set forth below:

"ADL" means Arthur D. Little, Inc., the sole shareholder of ADLE.

"ADLE" means Arthur D. Little Enterprises, Inc., the sole shareholder of EMT.

"Acquired Intellectual Property" means the EMT Acquired Intellectual Property and the Owners Acquired Intellectual Property.

IN WITNESS WHEREOF, each of the parties has caused this Acquisition Agreement to be executed in the manner appropriate for each, as of the day and year first above written.

MEDTRONIC INC.

By: Michael D. Ellner

Its: Vice President

Michael A. Martinelli

Michael A. Martinelli, Ph.D.

ENTERPRISE MEDICAL TECHNOLOGIES, INC.

By: Bernard J. Sacoris

Its: Pres.

WINCHESTER DEVELOPMENT ASSOCIATES,  
a sole proprietorship

By: Michael A. Martinelli

Its: President

To induce Medtronic to enter into this Agreement and to consummate the transactions contemplated hereby, the undersigned Arthur D. Little Enterprises, Inc. ("ADLE"), the sole shareholder of EMT, and Arthur D. Little, Inc. ("ADL"), the sole shareholder of ADLE, hereby jointly and severally guarantee the performance by EMT of EMT's obligations under this Agreement in accordance with the terms, provisions and conditions of this Agreement.

ARTHUR D. LITTLE ENTERPRISES, INC.

By: Bernard J. Sacoris

Its: Pres.

ARTHUR D. LITTLE, INC.

By: Bernard J. Sacoris

Its: Vice Pres.

**SCHEDULE 1.2**  
to  
**Acquisition Agreement**

<u>Country</u>	<u>Appln. No./ Filing Date</u>	<u>Patent No./ Issue Date</u>	<u>Title</u>	<u>Inventor</u>
U.S.	08/490342 06/14/95		Method and System for Navigating a Catheter Probe	M. Martinelli
PCT	PCT/US96/10050 06/11/96		Method and System for Navigating a Catheter Probe	M. Martinelli
<u>*</u>	<u>*</u> <u>  /  /  </u>		Multi-Electrode Virtual Navigation Catheter (Multi-Band Interpolated Navigation)	M. Martinelli
<u>*</u>	<u>*</u> <u>  /  /  </u>		Navigated Catheter Based Coronary Artery Bypass	M. Martinelli
<u>*</u>	<u>*</u> <u>  /  /  </u>		Morphed Image Formation (Display Patent)	M. Martinelli

\* Patent application in process of being prepared for such invention.



ATTACHMENT B

PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Wayne C. Haase

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 9/21/01

2. Name and address of receiving party(ies):

Name: Michael A. Martinelli

Internal Address: \_\_\_\_\_

Street Address: 58 Wedgemere Avenue

City: Winchester State: MA ZIP: 01890

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

5,592,939

Issued: 1/14/97

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Toby H. Kusmer

Internal Address: \_\_\_\_\_

Street Address: McDermott, Will & Emery

28 State Street

City: Boston State: MA ZIP: 02109

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00

- ☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account  
☒ Authorized to be charged to deposit account

8. Deposit account number:

50-1133

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ronald R. Demsher, Reg. No.: 42,478

Name of Person Signing

Signature

October 26, 2001

Date

Total number of pages including cover sheet, attachments, and document:

4

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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OCT 01 2001

MW&E

WAYNE C. HAASE,

Plaintiff,

v.

MICHAEL A. MARTINELLI,

Defendant.

CIVIL ACTION No. 98-CV-12076-RWZ


STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), Plaintiff Wayne C. Haase and Defendant Michael A. Martinelli hereby stipulate that the above-entitled lawsuit is dismissed with prejudice and that each party will bear its own costs.

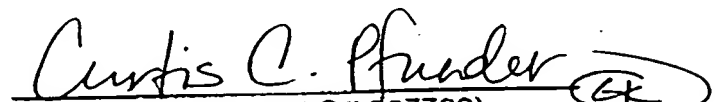
The parties further agree that this Court will retain jurisdiction over the enforcement of the Settlement Agreement between the parties.

Respectfully submitted,

Respectfully submitted,

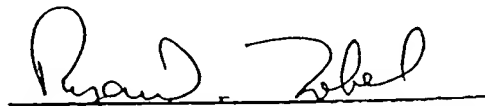
  
Michael L. Coyne (BBO# 542355)  
500 Federal Street  
Andover, MA 01810  
(978) 681-0800

Attorney for Plaintiff  
Wayne C. Haase

  
Curtis C. Pfunder (BBO# 397700)  
92 State Street  
Boston, MA 02109  
(617) 248-0200

Attorney for Defendant  
Michael A. Martinelli

SO ORDERED:

  
United States District Court Judge  
9/25/01

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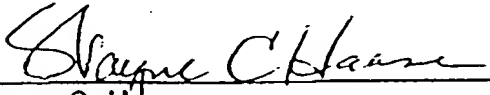
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## ASSIGNMENT

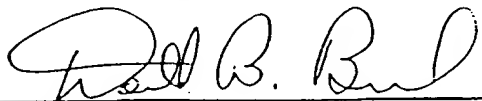
In consideration of the promises contained in the Agreement dated August 22, 2001 and the subsequent Settlement Agreement signed by the parties that confirms and ratifies that Agreement, and for other good and valuable consideration, I Wayne C. Haase of 7 Matthew Lane, Sterling, Massachusetts, hereby sell and assign to Michael A. Martinelli, an individual residing at 58 Wedgemere Ave., Winchester, Massachusetts, his successors and assigns, all right title and interest throughout the United States, its territories and all foreign countries, in and to my invention in patent number 5,592,939, entitled METHOD AND SYSTEM FOR NAVIGATING A CATHETER PROBE and all reissues thereof.

I hereby covenant that I have full right to make such assignment, and agree that for myself and my executors and administrators that I will execute all reissue applications, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention may be involve, and do everything possible to aid Michael A. Martinelli, his successors and assigns, to enforce proper patent protection for said invention in the United States, its territories and all foreign countries.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

  
Wayne C. Haase

Date: 21 Sept 2001

  
Witness

Date: 9/21/01

SIGNED BY WAYNE C. HAASE  
BEFORE ME ON THIS  
21<sup>ST</sup> DAY OF SEPTEMBER, 2001.



DONALD B. BRUCK  
Notary Public  
My Commission Expires:  
December 23, 2005